

Executive Registry

86- 1243

ADMINISTRATIVE-INTERNAL USE ONLY

25 March 1986

MEMORANDUM FOR: Executive Director
 Director, Intelligence Community Staff
 Deputy Director for Administration
 Deputy Director for Intelligence
 Deputy Director for Operations
 Deputy Director for Science and Technology
 General Counsel
 Inspector General
 Comptroller
 Director, Office of Congressional Affairs
 Director, Office of Public Affairs
 Vice Chairman, National Intelligence Council
 Executive Secretary
 Administrative Officer, DCI

FROM: Director of Central Intelligence

SUBJECT: Temporary Delegation of Authority

John N. McMahon's resignation as Deputy Director of Central Intelligence becomes effective on 29 March 1986. Until such time as a new DDCI is sworn in, the Executive Director, [redacted] shall act for, and exercise the authorities of, the Deputy Director. These authorities include, but will not be limited to, those as set forth at Tab A; they do not include, however, those reserved by law to the DCI and DDCI as set forth at Tab B. While acting in this capacity [redacted] will neither assume the statutory of DDCI nor accrue the full powers associated therewith.

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William J. Casey
 William J. Casey

cc: Senior Duty Officer, Operations Center

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Tab A

Temporary Delegation of Authority

1. The authority of the DCI to terminate employment pursuant to Section 102(c) of the National Security Act, 50 U.S.C. § 102(c);
2. The authorities of the DCI relating to procurement as prescribed by Section 3(c) of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 403c;
3. The authority of the DCI relating to the entry of certain aliens as prescribed by Section 7 of the CIA Act of 1949, 50 U.S.C. § 403h;
4. The authority of the DCI relating to a certification of expenditures as prescribed by Section 8 of the CIA Act of 1949, 50 U.S.C. § 403j;
5. The authority of the DCI relating to the payment of death gratuities as prescribed by Section 11 of the CIA Act of 1949, 50 U.S.C. § 403k;
6. The authority of the DCI to accept gifts and the related authorities as prescribed by Section 12 of the CIA Act of 1949, 50 U.S.C. § 403l;
7. The authorities of the DCI conveyed by the Central Intelligence Agency Retirement Act of 1964, as amended, 50 U.S.C. § 403 Note: (see also HR 22-50);
8. The determinations by the DCI concerning persons trained in foreign espionage systems as authorized by 50 U.S.C. § 852(c) and (d);
9. The determinations by the DCI as to atomic energy information authorized by 42 U.S.C. § 2162(e);
10. The determinations by the DCI under the Atomic Weapons and Special Nuclear Materials Rewards Act as to the entry of certain aliens and payment of reward as authorized by 50 U.S.C. §§ 47c and e.
11. The determinations by the DCI under the Foreign Services Act of 1980 that the imprisonment of a foreign national resulted from his employment by the United States and that compensation is authorized by 22 U.S.C. § 3970.
12. The authority to approve regulations which increase, decrease or otherwise impact on DCI/DDCI authorities. (HR 5-1d).
12. Establish rates of pay of CIA employees. (HR 20-31b).

Tab B

Authorities Not Delegated as a Matter of Law

1. The authority of the DCI to execute formal claims of states secrets privilege. (See Reynolds v. U.S., 345 U.S. 1 (1953)).
2. The authority of the DCI to execute certifications under the Foreign Intelligence Surveillance Act. (See 50 U.S.C. § 1801 and Executive Order 12139 dated 23 May 1979.)
3. Under Executive Order 12356, the authorities of the DCI which relate to the classification of documents. Such functions include:

Authority of the DCI to delegate Top Secret - classification authority (See § 1.2(d)(2) of Executive Order 12356.)

Authority of the DCI to create a special access programs to control particularly sensitive classified information (See § 4.2 of Executive Order 12356.)